HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22249 of 2006

Dated:27.10.2006

Between:

Palla Radha Krishna and others.

…Petitioners

and

The District Collector and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22249 of 2006

ORDER:

The petitioners herein purchased houses in Vijaya Durga Colony, Kadapa Town. They allege that the vendors of the petitioners purchased vacant sites in Survey No.147/E and constructed houses. Adjoining the land on the western side, the land in Survey Nos.500 and 501 is classified as K.C.Canal land. The petitioners allege that the said land has since been abandoned and not existing on the ground. Therefore, it appears, the Executive Engineer recommended to the District Collector to assign Kaluva Poramboke lands to those persons as per the market value. In the meanwhile, some of the ryots having lands under K.C.Canal ayacut prevailed over the respondents to demolish the houses of the petitioners which were allegedly constructed on the land which was earlier Kaluva Poramboke. It is alleged that the respondents are trying to demolish the houses without due process of law.

A perusal of the affidavit accompanying the Writ Petition would show that the Writ Petition is filed on a mere apprehension. If the Executive Engineer of the K.C.Canal Division has already recommended to assign the abandoned Kaluva Poramboke for market value, the statement made by the petitioners that there is threat of demolition cannot be believed. Be that as it is, as the petitioners

purchased the houses and residing in those houses, as and when any adverse action is to be taken against them, the respondents are required to give a notice and give an opportunity to the petitioners. This observation would safeguard the interest of the petitioners.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

27.10.2006
vs